IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. M. No. 79617 of 2006
Date of Decision:- 19.1.2007

Sarjivan Singh .....Petitioner(s)

through
None.

vs.

State of Punjab & others .....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:- HON'BLE MR. JUSTICE SURYA KANT.

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SURYA KANT, J. (ORAL)

The petitioner, who is undergoing 12 years' rigorous imprisonment under the N.D.P.S.Act, 1985, is aggrieved at the order dated 11.5.2006 (Annexure P-1) passed by the Inspector General of Prisons, Punjab whereby the petitioner has been denied parole for house repairs on the ground that the Panchayat is not ready to take his responsibility.

It is averred that the petitioner is in custody since the year 1998 when the F.I.R.was registered against him and no parole has been availed of by him so far. It is not the case of the respondents that the conduct and behaviour of the petitioner while in jail has not been satisfactory.

That apart, the petitioner has placed reliance upon the alleged recommendations made by Sarpanch of the Gram Panchayat (Annexure P-2) and if that is so, the very basis to decline parole to him, falls flat.

For the reasons afore-stated, this petition is allowed; the impugned order dated 11.5.2006 (Annexure P-1) is quashed and a direction

is issued to the Inspector General of Prisons, Punjab to reconsider the petitioner's case for his temporary release on parole for house repairs in the light of the observations made hereinabove. The necessary decision shall be taken within a period of two months from the date of receipt of certified copy of this order.

January 19, 2007 **(SURYA KANT)**
poonam **JUDGE**